

REMARKS

No claims have been amended, cancelled or added by this Reply. Accordingly, claims 1-71 are currently pending.

Interview with Examiner

Assignee thanks the Examiner for discussing his interpretation of Yamamoto during a telephone interview on 27 August 2009. No particular claims were discussed. The discussion focused on the fact that the Examiner interprets each individual triangle of shape data disclosed in Yamamoto as an image rather than the image produced by the generation algorithm of Yamamoto. Note, in Yamamoto a 3-D representation of an image is generated based on a plurality of shape data (*e.g.*, triangles).

Prior Art Rejections

In responding to the Examiner's prior art rejections, Assignee here only justifies the patentability of the independent claims (*i.e.*, claims 1, 13, 26, 35, 43, 54, and 64). As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Assignee does not separately discuss the patentability of the dependent claims, although Assignee reserves the right to do so.

Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected independent claims 1, 13, 26, 35, 43, 54, and 64 as allegedly being anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,862,252 to Yamamoto et al. ("Yamamoto"). Office Action dated 09 June 2009 at pg. 2.

In response to previous arguments the Examiner states:

Instant Specification paragraphs 15-18 define an "image preview" as "*a single smaller graphical representation of the master image*".

Office Action at p. 12.

The Examiner explained his position in the interview of 27 August 2009. The triangular shape disclosed in Yamamoto as “shape data” is what he is interpreting as anticipating an “image preview.” Therefore, the Examiner appears to be ignoring inventor’s definition in the Specification which states the image preview is “a single smaller graphical representation of the **master image**.” Neither Yamamoto nor the Examiner suggest that the triangle data is a graphical representation of the master image because it is clear that Yamamoto’s triangles only form **a portion of the master image** and must be combined to render a master image. In the instant case the Examiner has consulted the Specification and found that an “image preview” is defined as “a single smaller graphical representation of the master image” and then inappropriately disregarded that definition when interpreting the claim. While the Examiner is allowed to give claims their broadest reasonable interpretation that interpretation **must** be consistent with the Specification. It is clearly inconsistent with the Specification to assert Yamamoto’s “shape data” can in any way anticipate an “image preview” because the “shape data” is not a smaller graphical representation of the master image. Based on this clarification, Assignee respectfully requests the Examiner withdraw this rejection.

The Examiner is reminded to anticipate a claim “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” M.P.E.P. § 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d (BNA) 1913, 1920 (Fed. Cir. 1989). Furthermore, “[d]uring patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification.’” M.P.E.P. § 2111 quoting *Philips v. AWH Corp.*, 415 F.3d 1303, 75 U.S.P.Q.2d (BNA) 1321 (Fed. Cir. 2005) (*en banc*). Finally, an applicant is entitled to be his or her own lexicographer. *see* M.P.E.P. § 2111.01(IV).

Claims 2-12 depend from independent claim 1. Assignee has shown above that independent claim 1 is patentable over the cited art. As a consequence, claims 2-12 are also patentable over the cited art. Accordingly, Assignee respectfully requests the Examiner withdraw the rejection and pass claims 1-12 to allowance.

The Examiner has rejected independent claims 13, 26, 35, 43, 54 and 64 using substantially the same rationale. The above argument applies to these independent claims with equal force. As Assignee has shown above that Yamamoto cannot anticipate these independent claims, their corresponding dependent claims cannot be anticipated by the cited reference.

Accordingly, Assignee respectfully requests the Examiner withdraw the rejection and pass claims 13-71 to allowance.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected dependent claims 5, 17 and 46 as allegedly being obvious under 35 U.S.C. 103(a) over Yamamoto in view of U.S. Patent No. 5,602,564 to Iwamura et al. (“Iwamura”). Office Action dated 09 June 2009 at pg. 9.

As Assignee has shown above, Yamamoto does not disclose each and every limitation of the independent claims from which claims 5, 17 and 46 depend. Therefore, Yamamoto fails as a primary reference and the combination of Yamamoto and Iwamura cannot render claims 5, 17 and 46 obvious. Accordingly, Assignee respectfully requests the Examiner withdraw this rejection.

The Examiner has rejected dependent claims 7-8, 19-20, 27-28, 36-39, 47-48, 55-56 and 65-68 as allegedly being obvious under 35 U.S.C. 103(a) over Yamamoto in view of U.S. Patent No. 6,215,523 to Anderson (“Anderson”). Office Action dated 09 June 2009 at pg. 10.

As Assignee has shown above, Yamamoto does not disclose each and every limitation of the independent claims from which claims 7-8, 19-20, 27-28, 36-39, 47-48, 55-56 and 65-68 depend. Therefore, Yamamoto fails as a primary reference and the combination of Yamamoto and Iwamura cannot render claims 7-8, 19-20, 27-28, 36-39, 47-48, 55-56 and 65-68 obvious. Accordingly, Assignee respectfully requests the Examiner withdraw this rejection.

CONCLUSION

This paper is intended to be a complete response to the above-identified Office Action. Assignee believes no unpaid fees are due. However, if it is found that additional fees are due, the Commissioner is authorized to deduct the necessary charges from Deposit Account: 501922/119-0028USC.

Reconsideration of pending claims 1-71 in light of the above remarks is respectfully requested. If, after considering this Reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

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